

II.

SUPPLEMENTARY NOTES ON THE SCOTTISH DE QUENCYS.

By WILLIAM W. IRELAND, M.D., F.S.A. Scot.

Though it was a source of gratification to me that so distinguished an archæologist as Mr Joseph Bain should have taken the trouble to add filling-in to the sketch which I essayed of the Scottish de Quencys of Tranent and Leuchars,¹ it lessened the pleasure when he indicated a number of errors which he thought I had committed. As most of these corrections were on points of minute detail, I was unable, after hearing his paper read at a meeting of the Society on the 11th December, to do more than make a general defence. Having now had time to go back to my authorities, I ask an opportunity of showing how some of these corrections cannot be sustained.

Mr Bain began by saying that it was to be regretted I had not consulted some works, which he named, in addition to those which I referred to. My essay was almost wholly written from original documents, hence I did not think it needful to quote compilations like Burke's *Dictionary of Extinct Peerages*, of which, nevertheless, I had made some use. And as for not consulting the Cartulary of St Andrews, I referred to it in a note (see p. 277 of my paper in the *Proceedings of the Society of Anti-*

¹ See *antea*, p. 124 ; and vol. xxxii. p. 275.

quaries, vol. xxxii.). I unwittingly passed over the four volumes of the *Calendar of Scottish Documents*, edited by Mr Bain himself, which he mentions at the end of his list. In these volumes there are several notes about the de Quencys, which, if I had lighted upon them before, would have saved me much trouble and some errors of detail. Mr Bain tells us that "there is no evidence that the de Quencys came from Normandy with William. The Roll of Battle Abbey is well known to be of little, if any, authority, and it has been thought by some, the late Mr John Gough Nichols for one, that they came from Gascony—their arms, mascles, representing a kind of flint found there. The first who appears in the English pipe-rolls is Saher de Quency, in 1157, in Northamptonshire, where he was remitted on his land." I cannot here discuss the trustworthiness of the Roll of Battle Abbey. Those who are curious on this question should consult the books which have been written about it, especially that by John Bernard Burke,¹ and the three quarto volumes contributed by the Duchess of Cleveland.²

After relating the foundation of this abbey by William the Conqueror, Sir Francis Palgrave³ tells us that "here the monks enrolled before a Degville or a Darcy, a Pigot or a Percy, a Bruce or a Despencer," or other Normans, "the roll containing the honoured names of the companions of the Conqueror from whom they deduced their lineage and their names." The objection to this document is that, in later times, the monks allowed names to be added to the roll to please people who wished to claim descent from the first Norman conquerors. The document, at all events, has always been held in high estimation by the old chroniclers. There are several independent copies of it, and the name of Quincy is in them all. We have thus to consider the probability of this name being fraudulently added before the death of Roger de Quency in 1264, for after that time no one would have an interest in such a transaction.

¹ *The Roll of Battle Abbey*, annotated by John Bernard Burke, Esq.; London, 1848.

² *The Battle Abbey Roll, with some account of the Norman Lineages*, by the Duchess of Cleveland, vol. iii. p. 27; London, 1889.

³ *The History of Normandy and of England*, by Sir Francis Palgrave, K.H., the Deputy Keeper of H.M.S. Public Records, vol. iii. p. 407; London, 1864.

The Duchess of Cleveland says (I know not on what authority) that Seyr was descended from Richard de Quency, the companion in arms of the Conqueror. Nisbet, in his book on Heraldry,¹ also states that the first de Quency came over with William the Conqueror. Moreover, in an undated charter published in Dugdale's *Monasticon*,² there is a grant of ten solidi to the Priory of Dunmow Little from Saher de Quinci for the salvation of his soul and that of his son Saher, from his lands in Bradenham in Suffolk. Assuming that the son was the same Saher who got the manor of Bushby in Northamptonshire in 1157, and attested the treaty of Falaise in 1173,³ we can thus trace the de Quencys back to the beginning of the 12th century.

As for Mr Gough Nichols whom Mr Bain thinks worthy to be quoted, apparently to raise a presumption against my view, he is clearly unaware that the arms of Seyr de Quency, Earl of Winchester, were not mascles, for he and his son Roger bore different arms.

There are engravings of the arms of this family in Burton's *Leicestershire*, p. 37. The coat of arms of Seyr de Quency (fig. 1) was : or, a fesse

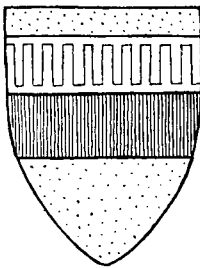


Fig. 1. Arms of Seyr de Quency.

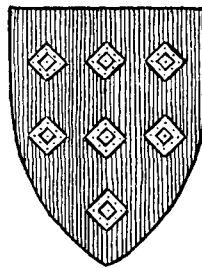


Fig. 2. Arms of Roger de Quency.

gules, a file of eleven points azure. That of his son Roger (fig. 2) was : gules, seven mascles or, three, three, and one.

¹ *A System of Heraldry*, by Alexander Nisbet, vol. i. p. 208 ; Edinburgh, 1816.

² Vol. vi. p. 148.

³ See *Dictionary of National Biography*, art. de Quinci.

In Hewitt's *Ancient Armour*¹ there is a fine engraving of the seal of Roger de Quency, Earl of Winchester, in which the heraldic devices of the mascles are given on the housings of his charger.

Mr P. Macgregor Chalmers, a Fellow of this Society, informs me by letter that he has discovered the fragments of a tomb in Culross Abbey "on the arch to the south side of the choir, and opening into the aisle of the south transept. The de Quency arms are carved on a shield at the point of the arch. The shield and the arms are in perfect preservation."² The arms are seven mascles, three, three, and one. "On the north side a tomb, built as a sarcophagus, occupies the lower part of the arch, and the arch is recognised as part of the tomb. The effigy of a lady fastened upright to the wall close to this tomb doubtless lay originally on the top of the sarcophagus. This portion of the abbey was built early in the thirteenth century." This may be the tomb of Roger de Quency. Matthew Paris tells us that the second wife of Roger de Quency was buried at Brackele in England in 1252, and that another wife of the same earl was laid there. On this account the earl chose to be himself buried in the same place. "Et propter has causas multiplices, sibi sepulturam ibidem elegit comes memoratus." Matthew of Paris simply records the desire of the earl to be laid at Brackele, for this passage was written during his life. Matthew died in 1259, and Roger de Quency five years later. If he died in Scotland, it might have been inconvenient at the time to carry out his wishes and convey the body to England.

Mr Bain tells us that the wife of Robert de Quency was not called Eva, but Orabilis. Yet in the charter in the muniments of Melrose, as cited by me, this lady, *quondam uxor Roberti de Quinci*, in a grant for the good of the soul of her father and mother, her husband and others, did call herself Eva. It is true that she is styled Orabilis in some of the

¹ *Ancient Armour and Weapons in Europe*, by John Hewitt; Oxford, 1855, p. 345.

² Since writing this I have visited Culross Abbey and had no difficulty in finding the stone shield as indicated by Mr Chalmers.

charters of the Priory of St Andrews (Orabilis filia et heres domine Nesi) and in one by Seyr de Quency (Orabilis matris mee). I took this title for an adjective, a translation of some Gaelic word meaning worshipful or gracious. At any rate, in the only known document issued by this lady she calls herself Eva. Mr Bain somewhat arbitrarily says that this Eva was the wife of Robert, a younger brother of Seyr de Quency, who, we may recall, had also an older brother called Robert. The lady, he tells us, was also called Hawyse or Hawise, "which name is easily read Eva." Those who think the matter worthy of further contention may discuss whether her correct title was Eva Orabilis or Orabilis Eva, or Eva Hawise, or whether Orabilis also can be easily read Eva. Apparently he sees no difficulty in believing that Orabilis was the widow of the Earl of Mar before she was married to Robert de Quency, and in one charter the daughter of Ness is styled "Comitissa de Mar." The name of Gilchrist, Earl of Mar, is given as a witness in some of these parchments. This Gilchrist¹ is said to have superseded Morgund as Earl of Mar, and his name appears in charters between 1170-80, and 1204-11. In that case, how could this lady have been a widow while both her reputed husbands were living, and, indeed, Earl Gilchrist must have survived Robert De Quency? The Rev. William Hunt, in an article on Seyr de Quency in the *Dictionary of National Biography*, as well as Dr George Burnett in the *Genealogist*,² have both confessed the difficulty of this question. Perhaps the *filia Orabilis* of Ness was an elder sister, the one named Christina in the charter granted by Eva, the wife of Robert de Quency, who may have been married or betrothed to the Earl of Mar, and died young.

¹ See *The Earldom of Mar*, by Alexander, Earl of Crawford and Balcarres; Edinburgh, 1882, vol. i. p. 167.

² *The Early Earls of Mar*, by George Burnett, LL.D., Lyon King-at-Arms, vol. iv, new series, p. 177. After considering a number of dates in an elaborate note, Dr Burnett comes to the conclusion that Orabilis could not have been the widow of Gilchrist, but "might conceivably have been the widow of Morgund, or it is possible that she might have been the divorced wife of Gilchrist." Morgund, however, is known to have had a wife called Agnes, as may be seen from the *Charterulary of St Andrews*, p. 246.

In the charters extending and confirming the grants to the Abbey of Newbotle, Seyr de Quency is styled Earl of Winchester (Comes Wintoniæ). Amongst the witnesses to these grants was Jocelin, Bishop of Glasgow, who is known to have died on the 26th of April 1199. Now Seyr de Quency was not made Earl of Winchester till about eight years after. As the Bishop could not have been witness to a charter after he was dead, I asked to see the documents in the Advocates' Library. These are not the original charters, but a parchment volume of unknown antiquity containing copies of the Newbotle charters. The name of Joceline, Bishop of Glasgow, is there sure enough, and thus the words, 'Comes Wintoniæ,' must have been either added as a gloss when copying the original, or the charters must have been later fabrications of the Cistercians. The name of Seyr, hereditary in the de Quency family, shows their Scandinavian origin. It is still in use as a name in Denmark and Norway. The name of Quincy is French. It is still borne by persons in Normandy, and there is a Commune called Quincy in the department of Seine et Marne.

With regard to the treatment of the Countess of Mar and the sisters of Robert Bruce who fell into the hands of Edward I., Mr Bain tries to show, from a contemporary warrant for the similar imprisonment of a Welshman of note in Bristol, that the cage was merely a wooden structure inside the castle, in which the prisoner was shut up at night for greater security against escape. Apparently cages were not uncommon in those times when the confinement was meant to be rigorous; but it is too much to assume that a cage made for the night custody of a Welshman¹ in a house at Bristol Castle must have been of the same pattern as a cage in a turret at Berwick especially designed by the greatest of the

¹ The extract on which Mr Bain has founded his argument is given in the *Calendar of Documents relating to Scotland*, vol. iii. p. 4: Fiat for allocate to Nicholas Ferinbaud, late constable of Bristol Castle, etc., for £14, 0s. 8¹/₂d. expended in cutting oaks, carpenters' and others' wages, iron, lime, etc., to repair a house in the castle, and making a wooden cage bound with iron in said house for the straiter custody of Owen, son of David Griffith, a prisoner shut therein at night (dated 1307, Michaelmas Term).

Plantagenets to torment a lady who would not submit to his usurpation of the *Scottish* crown. It must embarrass the admirers of the English King that the minute directions for the treatment of these ladies so jealously laid down by the vindictive Plantagenet still remain. They may be found in Rymer's *Fœdera* and in Grose's *Military Antiquities*, the original French being given in the Appendix.¹ I prefer giving my own translation:—

“It is ordered and commanded by letters of the Privy Seal to the Chamberlain of Scotland or to his Lieutenant at Berwick-on-Tweed, that in one of the towers within the castle of this place, in a situation which he sees to be most convenient, he should cause to be made a cage of strong wooden spars, with posts and bars and well strengthened with iron, in which he should put the Countess of Buchan, and that he make it so well and render the cage so secure that she cannot get out in any manner; that he should assign a woman or two of the same town of Berwick, who should be English and exposed to no suspicion, to attend on the said Countess, to eat and drink and other things to be done in this abode, and that he keeps her so well and strictly guarded in the cage that she should not speak to anyone, either man or woman, who may be of Scottish nation, and that no other should get access to her save only the woman or women who will be assigned to her, and those who will have her in their keeping; and that the cage should be so made that the Countess should have the convenience of a privy, but that it should be well and surely ordered that no danger should be incurred in the security of the keeping of the said Countess.”

In the same writ it is ordered that Mary, the sister of Robert Bruce, formerly Count of Carrick, should be sent to Roxburgh to be kept there in a cage within the castle. If Mr Bain had looked up the authorities cited at the foot of the page whose correctness he questions, he might have saved himself from the vain attempt of oversetting the narrative as given by our best Scottish historians. To quote Burton²: “Though we

¹ See Rymer's *Fœdera*, vol. ii. pp. 1013, 1014; and *Military Antiquities respecting a History of the English Army*, by Francis Grose, Esq., F.A.S., vol. ii. p. 348.

² Burton adds his authorities in a note: “In domuncula quadam lignea super murum castri Berewici posita est, ut possent eam conspicere transeuntes.” Rishanger, 229.

“Sub dio forinsecus suspendatur, ut sit data, in vita et post mortem, speculum viatoribus et opprobrium sempiternum.” Mat. Westm. 455. Burton adds:—“It is not in the instruction that the cage shall be in the open air and visible to the passers-by, and therefore the chroniclers may be mistaken. A cage made secure in itself—and the instructions are to make this absolutely so—is rather anomalous

are not told so in the minute instructions for the making of the cage, the English chroniclers tell us that the cage was so hung that she could be seen by passers-by; and the object of restraining her in this form seems to have been that she might be a common spectacle, and an example of the fate in store for those who thwarted the will of Edward."

Mr Bain is at some pains to show that these ladies were not hung up in a cage on a wall like canaries, which, indeed, we are not called upon to believe. Nevertheless, it comes somewhat near it. As Tytler¹ remarks: "Any one who has observed the turrets of the ancient Scottish castles, which hung like cages on the outside of the walls, and within one of which the countess's cage was to be constructed, will be at no loss to understand the tyrannical directions of Edward, and the passage of Matthew Westminster."

We are told by Hemingford that the wife of Robert Bruce was treated with less cruelty than his sister because she was the daughter of the Earl of Ulster, two of whose sons were serving with Edward, and she could plead that at the coronation she had said that she feared it was no better than being a queen at a play. She and her stepdaughter, Marjorie, were put in separate places of confinement. The brothers of the Scottish King, Thomas, Alexander and Nigel, and his brother-in-law Sir Christopher Seton, who also fell into Edward's hands, were all put to death with that attention to grisly details and studied indignity which were characteristic of the greatest of the Plantagenets. The common prisoners taken fighting on the Bruce's side were hanged.² Surely it is reading wrong the lessons of history that so many English chroniclers

within the tower of a castle, and seems a work of supererogation." *History of Scotland*, Edinburgh, 1874, vol. ii. chap. xxii. p. 242.

It is scarcely necessary to cite in addition the words of Hemingford:—*Rex jussit eam poni supra murum castri de Berewyk in tristega lignea facta, ut sic a transeuntibus videri posset et cognosci; mansitque sic clausa multis diebus, et in arcta dicta. Chronicon de Gestis Regum Angliæ*, vol. ii. p. 247; Londini, 1849.

¹ *History of Scotland*, by Patrick Fraser Tytler; Edinburgh, 1829, vol. i. p. 213, and note, p. 391.

² *Calendar*, vol. ii. 1811.

should seek to palliate such cruelties for which neither the morals of the period nor the spirit of the age offer an excuse.

Mr Bain tells us that the lady whom Sir William Douglas carried off at Tranent was not Margaret de Quency, the widow of William de Ferrers, seventh Earl of Derby, but her daughter-in-law, Eleanor Lovaine, the widow of her second son William de Ferrers, Baron of Groby, and in support of this statement Mr Bain cites Burke's *Extinct Peerages*, one of the books which he regrets I did not consult. Now Burke says that this William de Ferrers, who obtained the Manor of Groby as a gift of his mother, and assumed the arms of the de Quencys, married Joane le Despencer, that he died in 1287, and was succeeded by his son William. Burke says nothing about his having a second wife. From the several references in the calendar of Scottish History it is clear that the lady carried off by Sir William Douglas the Hardie was not Margaret de Quency, Countess of Derby. Hume of Godscroft, in his *History of the House of Douglas*,¹ says that Sir William Douglas the Hardie had for his second wife an English lady called Ferrar. The same old historian tells us, "there are that say that Sir William was sent to Berwick to Newcastle and from thence carried to York in the castle thereof he died and was buried in a little chapel at the end of the bridge which is now altogether decayed." It is clear from references in the calendar edited by Mr Bain that Sir William was a prisoner in the Tower of London, and that he died about the end of the year 1297.

It seems likely that the de Quencys, when living at their estates in East Lothian, resided at Fawside, which is by far the best military situation in the neighbourhood, though there are no traces of an earthwork upon it. Speaking of the ruins remaining, Maegibbon and Ross, in their valuable work on the *Castellated Architecture of Scotland*,² observe: "There seems to be no evidence of the date of erection of this keep, and from its style we cannot ascribe to it an earlier date than the latter half

¹ *The History of the House of Douglas and Angus*, by David Hume of Godscroft; Edinburgh, 1644, p. 16.

² Edinburgh, 1887, vol. i. p. 409.

of the 14th or the 15th century." These authors say nothing of the de Quencys. The Normans who settled in Scotland were not so busy at building castles in the first century of their coming to Scotland as they were in England, and most of the fortresses which they did erect were remodelled in after times. Nevertheless, it would be difficult to distinguish a keep of the 12th century from one of the 14th century; and it is at least possible that the square keep may have been the donjon of the castle of these almost forgotten Norman lords.

In the Bull of Pope Alexander III. confirming the monastery of Inchcolm, dated on the 11th day of March 1178, there are mentioned among the possessions of the church of St Colme's Inch a thousand eels out of Strathenny, the gift of Robert de Quency. Strathenny is in the parish of Leslie by the river Leven. The Rev. William Ross adds further information.¹ Later statements tell us that "along with the thousand eels, the convent had a right to two swine and a cow, yearly, out of the lands of Strathenny. This curious annual rent was the gift of Robert de Quency, whose name I find as a witness in many charters of the time of William the Lion." The monks did not let slip their thousand eels, and as Dr Ross tells us, innumerable quarrels arose regarding this annual tribute, until it was at length agreed that the payment should be commuted, and that instead of a thousand eels, two swine, and a cow, the proprietor of Strathenny should give the convent a yearly sum of 38 shillings sterling, payment to be made at the parish church of Fithkil, as Leslie was of old called. This payment was not regularly made, and was the subject of compromise between the Abbot and Walter of Strathenny on the 6th day of October 1354—forty years after the battle of Bannockburn.

It is also recorded that Seyr de Quency made a grant of the lands of Dunikeir to the monks of Dunfermline.²

Before parting with Mr Bain I ought to thank him for the additional

¹ *Aberdour and Inchcolm*, by the Rev. William Ross, LL.D.; Edinburgh, 1885, pp. 64 and 121.

² *Register*, Dunfermline, N. 155.

light which he has thrown upon an obscure field of research. It is to be hoped that he may yet find time and opportunity to read the 200 charters relating to the de Quencys preserved in Magdalen College. An examination by so competent an archæologist would not fail to elicit facts of importance in illustrating the history both of Scotland and of England.

[My friend, Mr Christopher Aitchison, has, during the summer of 1900, examined these charters at Magdalen College, Oxford. They are described in the manuscript calendar of the College. Mr Aitchison has sent to me some extracts from these documents. The charters are principally grants to the hospital of St John and St James at Brackeley in Northamptonshire, for the maintenance of chaplains, and the burning of candles at the altar for the souls of Seyr and Roger de Quency and their wives and children. Amongst these are grants from the demesne of Gask in Perthshire, and other proofs of the extensive possessions of this family. There are two grants (dated 1240 and 1256), in which Roger de Quency provided for the burial of his body at Brackeley ; but no record was found of his actual burial. If Roger de Quency died in Scotland, it would have been in accordance with the custom of those times that his heart alone should be sent to Brackeley.]